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UDK: 316.485.6:929Бел, К.; 341.24:316.485.6
Review article

THE ARCHITECTONICS OF AGREEMENT: A CRITICAL ANALYSIS AND EXPANSION OF CHRISTINE BELL'S THEORY OF PEACE AGREEMENTS IN CONFLICT RESOLUTION AND PEACEBUILDING

Abstract:

Theoretical framework for peace agreements represents a paradigmatic shift in understanding their nature, function, and impact in conflict resolution theory and peacebuilding practice. Moving beyond viewing agreements as mere endpoints or procedural instruments, Bell conceptualizes them as dynamic, constitutive, and inherently legal-political processes that fundamentally reshape conflict landscapes and state-society relations, often acting as de facto constitutions that generate a unique hybrid legal order—the lex pacificatoria. This paper critically analyzes Bell's core theoretical propositions, highlighting their profound relevance for reframing scholarly understanding and transforming practice. It examines her concepts of peace agreements as constitutional moments, lex pacificatoria, process dynamics , and so on.phase constitutionalism. The paper then analyses the theory's impact on conflict resolution scholarship, challenging liberal assumptions about peace and reframing the role of law, as well as its transformative impact on peacebuilding practice, particularly in relation to the design, implementation and inclusiveness of agreements. In a critical engagement section , the paper addresses significant limitations, including state-centrism, elitist bias, normative ambiguity within the lex pacificatoria, challenges to phase constitutionalism, gender-related blind spots and operational complexity. The paper concludes by acknowledging Bell's contribution, and arguing for its continued refinement and contextual adaptation, particularly in relation to non-state actors , local action, digital mediation, climate conflicts and shifts in global power. The extended list of references includes scholars who deal with and criticize the theoretical Bell's frame.

Keywords: *Christine Bell, peace agreements, conflict resolution, peacebuilding, lex pacificatoria, constitutionalism, transitional justice, implementation, liberal peace, hybridity, critical theory*

Introduction

The negotiation and implementation of peace agreements are key moments in the arduous journey from violent conflict to achieving the conditions for sustainable peace. For decades, the study and practice of conflict resolution and peacebuilding have grappled with understanding the nature, function, and effectiveness of these complex documents, often treating them as final endpoints or technical blueprints. With the publication of analyses by Christine Bell, Professor of Constitutional Law and Director of the Political Research Programme at the University of Edinburgh, these ambitions have been surpassed. Through Peace Treaties and Human Rights (2000) and On the Right to Peace: Peace Treaties and the Lex Pacificatoria (2008), Bell has built a comprehensive and transformative theoretical framework that breaks away from traditional views of peace treaties. Her theory breaks with simplistic notions and instead conceptualizes peace treaties as dynamic, constitutive and inherently legal-political processes that fundamentally reshape conflict landscapes and state-society relations, often functioning as de facto constitutions within a unique hybrid legal order.

This paper develops a critical analysis of Bell's theory. First , its basic theoretical pillars are deconstructed . Then , The profound importance of her work for conflict resolution theory is assessed, highlighting the challenge to (previously) dominant paradigms and her reformulation of the role of law. Subsequently, the transformative impact on peacebuilding practice is examined. A significant portion of the paper critically addresses the limitations of the theory and the ongoing challenges it reveals. Finally, the paper considers the contemporary relevance of the theoretical framework. framework and pathways for future development. Bell's work, this paper argues , remains a necessary, albeit complex and evolving, foundation for understanding and navigating the perilous terrain of post-conflict peacebuilding.

Deconstructing Bell's Theoretical Framework: Pillars of a New Paradigm

Bell's theory shatters simplistic notions of peace treaties, building a sophisticated edifice on several interconnected pillars that collectively reshape our understanding.

Bell's most radical and influential contribution is her argument that peace treaties often function as de facto constitutions or constitutional transformers (Bell, 2000, 2008). In contexts where the existing constitution is deeply contested, dysfunctional, or is the root cause of conflict (often in interstate wars), peace treaties tap into the elements of the breach to perform essential constitutional functions:

By reconfiguring power, they define new governance structures – power-sharing arrangements (Lijphart, 1977; Hartzell & Hoddie, 2007), territorial autonomy or decentralization (Wolff, 2009), and the relationship between state

organs (executive, legislative, judicial). Agreements can establish new institutions central to the post-conflict order, such as human rights commissions, truth commissions, electoral bodies, and constitutional courts (Bell, 2008, Ch. 5; Sriram, 2008) .

By redefining membership and identity , the treaties address fundamental issues of citizenship, minority rights, refugee return and, crucially, the relationship between the state and previously excluded or rebellious groups (insurgents, ethno-national minorities) (Bell, 2000, pp. 80-120; McGarry and O'Leary, 2004). In general, they attempt to reconstruct the political community under new , post-conflict conditions.

By establishing basic rules and principles within the framework of agreements, the basic principles for the new political order are set, embedding norms such as the protection of human rights, the rule of law, democratic governance, equality and resource-sharing mechanisms directly into the peace agreement (Bell, 2008; O'Flynn & Russell, 2005). This "constitutionalization" according to Bell occurs regardless of the formal status of the agreement within the existing legal hierarchy, creating a hybrid legal space – the "lex pacificatoria" – that bridges the pre-conflict order and the imagined future (Bell, 2008).

Building on the constitutional analysis , Bell argues that peace agreements generate a distinct body of law – the "lex pacificatoria" (peacemakers' law) (Bell, 2008). This is not traditional international law (treaty law), nor is it purely domestic constitutional or statutory law. It is a new, hybrid, transnational legal order that emerges from the unique context of peace negotiations and their consequences. The defining characteristics of " peacemakers' law " include several elements. First , hybridity , which is an intentional and necessary amalgam, bringing together norms of international law (human rights, humanitarian law, aspects of state responsibility), domestic constitutional and legal principles, the dynamics of political agreement-making, and often, customary or local norms (Bell, 2008, pp. 3-5; Teitel, 2000). This hybridity reflects the complex reality of peacemaking.Its legitimacy and content derive from the negotiation process itself, which involves various actors (state representatives, leaders of non-state actors , international mediators, sometimes civil society observers), and not from traditional sources of legal authority (Bell, 2008, pp. 10-15). The agreement before Bell is" law "with the parties agreeing to it as a way out of the violence.Normative ambiguity and constructive ambiguity are another characteristic of the "lex pacificatoria" . Recognizing the need to secure signatures from parties who often have diametrically opposed visions of the solution , the lex pacificatoria may deliberately contain ambiguous, unclear, and even contradictory provisions ("constructive ambiguity") (Bell, 2000, pp. 250-260; Zartman, 1989). It therefore requires continuous interpretation, negotiation, and /or contestation during the implementation of the agreement .The lex pacificatoria is not static, but rather has a dynamic and evolutionary nature . It evolves through the mechanisms established for implementation (commissions, courts), judicial interpretation (especially by new or reformed constitutional courts charged

with the application of the treaty), subsequent treaties or protocols, and the practical realities encountered on the ground (Bell, 2008, Ch. 7; Cousens et al., 2001). It is a " law " in the making.

Furthermore, Bell fundamentally changes the temporal perspective , that is, the illusion that the signing of a peace agreement settles the conflict , emphasizing that the signing ceremony is only one moment in a much longer, nonlinear continuum (Bell, 2000, 2008). The "agreement" encompasses multiple, often overlapping phases . Accordingly, pre -negotiations arean often lengthy and secretive phase that involves trust-building measures, establishing communication channels, defining agendas, and determining participation (Zartman, 1989; Vanis-St. John, 2011). This phase critically shapes what becomes the subject of negotiation and who will have a seat at the table.The negotiation process itself is characterized by dynamics of power exchange , compromises and strategic choices. The inclusiveness (or exclusivity) of this process profoundly influences the substance of the text and its perceived legitimacy (Paffenholz, 2014; Nilsson, 2012).

The critical, often overlooked and inevitably lengthy phase is the implementation process where the provisions of the agreement are put into practice. Bell highlights the "negotiation of implementation" (Bell, 2000, pp. 200-220) as – the continuous renegotiation and adjustment that occurs when actors face unforeseen obstacles, resist the provisions or try to reinterpret the terms to their advantage (Stedman et al., 2002; Vannis-St. John and Cue, 2008). This is the phase where many agreements effectively succeed or fail , i.e. they face formal or informal processes to amend, update or replace the agreement based on changing political circumstances, implementation failures or the evolving needs of the parties (Bell, 2008, pp. 225-240). Peace agreements are rarely final and are subject to renegotiation, review, and amendment of parts that prove intractable or unenforceable.

In Bell's theoretical foundations, peace agreements are identified as key instruments of the so-called "staged constitutionalism" (Bell, 2006, 2008). Recognizing the impossibility of immediately establishing a fully legitimate and functional lasting order in conditions of fragility of societies , the agreements includephased transition . They typically include interim arrangements , i.e. the establishment of transitional power structures (government bodies, joint committees), critical security arrangements (ceasefire,DDR (disarmament, demobilization, reintegration) and temporary legal frameworks that will be in place until permanent institutions are established (Bell, 2008, chapter 6; Hartzell and Hodi, 2007). The adoption of constitution or amendments through an appropriate process that will ensure a more inclusive, participatory and often longer process for drafting a permanent constitution, most oftenis guided by the principles and structures contained in the peace agreement itself (Bell, 2008; Samuels, 2006). The agreement , according to Bell, acts as a "temporary constitution". Addressing past crimes through an integrated transitional justice (TJ) approach is seen as structurally linked to building legitimate future institutions.A key

way is to deliberately weave the mechanisms of the T P (truth commissions, reparations programs, institutional reforms, sometimes prosecutorial or hybrid tribunals) directly into the constitutional and governmental restructuring plans outlined in the agreement (Bell, 2000, chapter 7; 2008, chapter 8; Teitel, 2000).

Bell also notes a fundamental tension that runs through peace agreements: a conflict between the pragmatic need for agreement (often brokered by elites primarily focused on ending violence and sharing power) and the long-term need for legitimate, effective, and inclusive state institutions that serve all citizens (Bell, 2000, pp. 15-30). Peace agreements, by their very nature as negotiated settlements that end violence, often prioritize the former, often leading to the recurrence of problems . Negotiated AgreementsPower-sharing agreements designed to engage warring factions within a state can reinforce divided ethno-political identities, empower irresponsible leaders, or shield perpetrators from justice (Sisk, 1996; Rothchild & Roeder, 2005). Not infrequently, the " agreement " can reinforce the very divisions that fueled the conflict.

Ambitious provisions in agreements on state-building, human rights, the rule of law, and socio-economic transformation often lack the support, i.e. the necessary political will, financial resources, technical capacity, or real commitment for effective implementation (Chesterman, 2004; Cole and Wyeth, 2008). The gap between the text of the agreement and reality can be enormous and create gaps and deficits in implementation . Agreements designed for short-term stability and confidence-building contain " sticky" temporary provisions (e.g., complex power-sharing positions or special majorities) that often become entrenched and are incredibly difficult to dismantle .thereby hindering it the development of more effective, representative and accountable permanent institutions (Bell, 2008, pp. 183-190; Roeder and Rothchild, 2005).

Fundamental importance for conflict resolution theory

Bell's theory fundamentally reshaped the theoretical landscape of conflict resolution and peace studies, challenging orthodoxies and offering new analytical tools.Previous dominant paradigms, often collectively criticized as "Liberal Peace", assumed a relatively linear, technocratic transition that involved simultaneous democratization, marketization, promotion of the rule of law, and state-building, led by international actors (Paris, 2004; Richmond, 2005).

Bell's work offers a powerful counter - narrative . She suggests how peace agreements are inherently hybrid, combining liberal norms and institutional prescriptions with local political realities, illiberal compromises (e.g., amnesties, power-sharing with rights abusers), and illiberal forms of legitimacy (Bell, 2008; McGinty, 2011). The liberal peace model was revealed as an ideal type that rarely matches the chaotic reality in conflict societies.Bell has shifted attention to peace agreements as primarily political agreements on fundamental issues of power distribution, identity recognition, and resource control, rather than merely technical plans for the import of liberal institutions (Bell, 2008; Na-

than, 2006). She points out how politics, not just technical assistance, drives the process.By emphasizing the context-specific , negotiated nature of each agreement and the resulting unique lex pacificatoria, Bell fundamentally challenges the idea of a "one-size-fits-all" peace model promoted by much of liberal peace thinking (Richmond, 2011; McGinty, 2011).

Bell alsoprotect the study of law in peace processes from being either dismissed as irrelevant in the face of "realpolitics" or naively treated as a neutral remedy. She demonstrates its constitutive power and political nature by showing that, in particular, the lex pacificatoria, is not merely a constraint on actors; it actively shapes the new political reality, defines the identities and rights of actors, structures institutions and influences their strategies (Bell, 2008; Kennedy, 2002). Law, as she emphasizes, constructs the new post-conflict order. Moreover, law can also be treated as a contested territory . Legal provisions in agreements become central sites of ongoing struggle during implementation. Actors strategically invoke, interpret, ignore or manipulate legal texts to advance their interests, resist change or gain advantage (Bell, 2000; Cousens et al., 2001). In this sense, law is both a weapon and a shield. Bell also emphasizes how the choice of legal language (binding treaty versus political agreement), frameworks (international versus domestic), and enforcement mechanisms is deeply political, reflecting power balances and strategic calculations during negotiations (Bell, 2000, pp. 60-80; 2008, pp. 100-120).

implementation process breaks down simplistic binary notions of agreements as "success" (signing) or "failure" (collapse). Bell forces scholars to adopt a more nuanced, longitudinal perspective when analyzing implementation trajectories . Success requires examining how agreements evolve, adapt, stagnate, or collapse over time through implementation negotiations, changing contexts, and the strategies employed by actors (Stedman et al., 2002; Wanis-St. John, 2011). The implementation process can have partial and unintended outcomes .Some goals may be achieved (e.g., stable ceasefire, integration of rebels), while others may fail (e.g., reconciliation, socio-economic transformation, justice) (Call, 2012). They may also produce unintended consequences, such as entrenching corruption or creating new marginalized groups (Pouligny, 2006). The ultimate measure of an agreement's success, according to Bell's framework, is not just the cessation of violence, but whether it facilitates the emergence of a sustainable, legitimate, and accountable constitutional order capable of peacefully managing conflict (Bell, 2008; Samuels, 2006). It is a long-term, often generational project.

Bell's theoretical framework requires analysis at multiple, interconnected levels .Treaties address (or fail to address) concernsfaced by local populations . In this sense, local power dynamics and subnational conflicts may continue to simmer or re- emerge (Mac Ginty & Richmond, 2013; Autesserre, 2010) if a " local turn" is not enabled at the local / national level. At the international level, the key role is played by mediators, guarantors, donors, international organizations and the norms of international law in shaping the dynamics of ne-

gotiations, the substance of agreements and the resources/pressure available for implementation (Beardsley, 2011; Hellmüller, 2018). At the transnational level The lex pacificatoria itself represents a distinct transnational legal field, connecting local negotiations with global norms and practices (Bell, 2008).

Bell also calls attention to a variety of actors beyond state and rebel elites, including women's groups, civil society organizations, victims' associations, traditional leaders, religious groups, and diaspora communities. Her work implicitly and explicitly supports analysis of how these actors influence, are excluded from, or are affected by the negotiation process, both formally and informally (Paffenholz, 2014; Nilsson, 2012; Bell & O'Rourke, 2010).

Transformative impact on peacebuilding practice

Bell's insights have profoundly influenced the way mediators, negotiators, implementers, and supporting international actors approach peace agreements, although translating theory into practice has been and remains a major challenge.Negotiators and mediators are now much more aware that they are effectively crafting interim constitutions with profound long-term implications. This encourages greater attention to the coherence of governance frameworks, the protection of human rights within power structures, the sequencing of reforms, and the relationship between different institutional components (e.g., security sector reform linked to political power-sharing) (Darby & Mac Ginty, 2008; Nathan, 2006).Practitioners understand the usefulness of "constructive ambiguity" in reaching agreements, but are increasingly strategic about where and how it is used. There is a growing emphasis on developing clearer mechanisms within the agreement to resolve ambiguities during implementation, such as independent commissions, constitutional courts with specific mandates, or detailed implementation timelines with review clauses (Bell, 2000; Wanis-St. John, 2011). The Colombian Final Agreement (2016) illustrates this, with its complex but detailed implementation architecture.Bell's concept of " phased constitutionalism " provides a practical framework for designing more realistic transitions. Agreements increasingly explicitly link interim arrangements to mandatory processes for permanent constitution-making and embed transitional justice mechanisms within a broader timeframe for governance reform (Bell, 2008; Samuels, 2006).

Bell's core message – that signing is just the beginning – has catalysed a significant shift in practice . Much greater emphasis is now placed on developing detailed implementation plans, monitoring frameworks, resource mobilisation strategies and identifying responsible actors during or even before the conclusion of negotiations, rather than as an afterthought (Wanis-St. John & Kew, 2008; Hellmüller, 2018). The Colombian Accord thus stands out for its extensive implementation annexes. International actors increasingly provide sustained support to specific institutions mandated by treaties to oversee implementation, such as independent implementation commissions, ceasefire monitoring bod-

ies, land restitution agencies and, crucially, constitutional courts tasked with interpreting the treaty (Cousens & Kumar, 2001; Hellmüller, 2018).

Practitioners are increasingly aware of the reality that the agreement will be continually tested and renegotiated during implementation. Strategies now focus on creating spaces and processes (e.g., joint committees, review conferences) to constructively manage this inevitable negotiation, preventing renegotiation from devolving into re-escalation (Stedman et al., 2002; Bell, 2000).

Although practice often fails, Bell's analysis provides a powerful conceptual basis for advocating for inclusiveness . Her theory highlights how the exclusion of key social groups (women, minorities, victims, youth) from the negotiation process fundamentally undermines the legitimacy, ownership, and long - term sustainability of the agreement and the resulting political order (Bell & O'Rourke, 2010; Paffenholz, 2014; Nilsson, 2012). And concluding it risks creating new problems and grievances .Bell's framework supports calls for meaningful mechanisms for participation throughout the process – pre-negotiation, negotiation, implementation and review – not just token involvement or consultation (Paffenholz, 2014; UN Women, 2015). This includes quotas for direct participation of women in delegations.The theory requires that agreements explicitly address the identity-based grievances, historical injustices, and structural power imbalances that fueled the conflict, moving beyond purely technical power-sharing formulas to include recognition, cultural rights, and redistributive measures (Wolff, 2009; McGarry & O'Leary, 2004).

Practitioners are theoretically better equipped to move beyond standardized templates . Bell's emphasis on the unique lex pacificatoria that emerges from each context encourages mediators and advisors to resist imposing standardized models and instead focus on facilitating negotiations that reflect local political realities, balances of power, historical contexts, and cultural norms (Mac Ginty, 2011; Richmond, 2011).Understanding lex pacificatoria helps practitioners work within the chaotic hybrid legal-political space of post-treaty transitions, blending international standards and pressures with locally legitimate, albeit sometimes illiberal, solutions and interpretations (Bell, 2008; Sriram, 2008). The theory encourages practitioners to recognize the potential role (and limitations) of non-state justice systems, traditional governance structures and local peacemaking practices within the broader peace process and post-treaty order, exploring how they can be acknowledged or accommodated within the formal framework of the treaty (Mac Ginty & Richmond, 2013; Isser, 2011).

Critical Engagement: Limitations, Challenges, and Counter-Perspectives

Despite its immense value, Bell's theory, like any major framework, faces significant criticisms and reveals ongoing challenges that require attention. Bell's focus on treaties as constitutional transformers inherently privileges the state as the primary locus of power and the ultimate goal of restructuring (Mac Ginty, 2011; Richmond, 2011). This perspective risks marginalizing non-state

and local actors by underestimating the persistence, legitimacy, and efficacy of alternative systems of governance (customary, religious, clan, administered by non-state actors) that can work alongside, compete with, or resist integration into the post-treaty state framework (Mac Ginty, 2011; Boege et al., 2009). The theory struggles to fully encompass "hybrid political orders" where state authority is weak or contested. However, the framework is less adept at explaining peace processes in conflicts dominated by non-territorial transnational actors (e.g., jihadist networks such as ISIS or al-Qaeda affiliates), criminal syndicates, or where regional dynamics are the primary driver, in situations where traditional state restructuring agreements are often irrelevant or impossible (Moghadam, 2017; Björnehed & Kovacs, 2019). Furthermore, while Bell acknowledges the problem, her framework primarily analyzes the elite agreements embedded in the text and its high-level implementation dynamics. Critics argue thatIt neglects the role of citizens and resistance , and diminishes the role of local communities, social movements, women's groups, and ordinary citizens in shaping the dynamics of peace (or conflict) independently of, parallel to, or even in opposition to the formal elite-driven agreement process (Mac Ginty & Richmond, 2013; Autesserre, 2010, 2014). Peace is often built (or undermined) from below. Agreements between elites may freeze high-level political conflicts, but they often do little to address the underlying socio-economic inequalities, localized resource conflicts , land disputes, or criminal violence that continue to fuel insecurity and suffering at the community level (Kalyvas, 2006; Mampilly, 2011). Although gaps in implementation are noted, the framework could more deeply integrate theories of everyday resistance (Scott, 1985), the formation of hybrid political orders that emerge from local practices rather than formal agreements (Boedge et al., 2009), and how local actors creatively subvert, adapt, or ignore elite agreements to meet their own needs and navigate uncertainty (McGuinty, 2011).

Although descriptively powerful , the concept of lex pacificatoria is fraught with normative tensions and practical challenges . Does the recognition of lex pacificatoria as "law" inadvertently legitimize treaties that contain deeply problematic provisions, such as general amnesties for mass crimes, immunities for war criminals, or power-sharing agreements that reward violence and undermine accountability, potentially violating the peremptory norms (jus cogens) of international law (Snyder & Vinjamuri, 2003/4; Sriram, 2004)? Does prioritizing peace over justice become legally sanctioned?The lex pacificatoria often lacks robust, independent enforcement mechanisms compared to established domestic legal systems or international courts. Its effectiveness depends largely on the continued political will of signatories and international guarantors, making it inherently fragile and susceptible to erosion or collapse if power dynamics change (Call, 2012; Stedman et al., 2002).

Although theoretically promising , the practical application of phased constitutionalism faces significant obstacles . For example, power-sharing governments, complex veto mechanisms, and other transitional arrangements de-

signed for short-term stability often prove incredibly difficult to dismantle. Elites who benefit from these arrangements resist moving to pluralistic or simplified systems, leading to "sticky institutions" that hinder democratic development, accountability, and effective governance (e.g., Bosnia and Herzegovina, Lebanon, Iraq) (Roeder & Rothchild, 2005; Bell, 2008, pp. 183–190). Furthermore, the mandatory participatory process of constitution-making often becomes bogged down or hijacked by elites who want to preserve their advantages gained in the peace agreement. The promise of a more legitimate permanent order may remain unfulfilled, leaving the interim agreement as a de facto constitution for an indefinite period (e.g., Nepal's protracted struggles) (Samuels, 2006; Brandt et al., 2011).Integrating transitional justice into a constitutional agreement can lead to its subordination to political expediency. Accountability mechanisms can be weakened or delayed (e.g., delayed prosecutions, weak truth commissions) to secure the signatures of powerful actors implicated in crimes, undermining victims' rights and the potential for genuine reconciliation (Snyder and Vignamouri, 2003/4; Bell, 2009).

Although Bell has contributed significantly to feminist analysis of peace agreements in later work (e.g., Bell and O'Rourke, 2010), her basic theoretical framework initially paid less systematic attention to gender dynamics. Criticisms point to the reinforcement of patriarchal structures in that elite agreements , often negotiated primarily by men representing militarized factions, tend to prioritize military and political power-sharing, often neglecting or actively rejecting women's rights, gender equality, and issues such as sexual violence. In this way, agreements can reinforce patriarchal structures and norms (True, 2012; Ní Aoláin et al., 2011; Krause, 2021). The "agreement" often becomes a patriarchal agreement.Analyzing the formal text of a treaty for gender equality provisions (which Bell and O'Rourke, 2010, effectively do) can mask the informal ways in which women and gender issues are marginalized throughout the negotiation and implementation processes – through exclusion from backroom agreements, intimidation, or devaluing "women's issues" as secondary to "hard" security (Paffenholz et al., 2016; Ní Aoláin, 2009).The theory also does not integrate an in-depth analysis of how dominant masculinities shape conflict dynamics, the behavior of negotiating elites, the types of security that are prioritized, and, consequently, the substance of agreements reached (Myrttinen et al., 2017; Cohn, 2013).

Bell's great strength – capturing the inherent complexity, hybridity and dynamism of peace agreements – also presents a significant challenge . The complexity described can be overwhelming for practitioners seeking clear, practical guidance for mediation, negotiation support or implementation planning. Translating the rich theoretical insights into practical, context-specific operational tools and methodologies remains a significant gap (Helmiller, 2018).Although it emphasizes contextual sensitivity, Bell's theory offers limited concrete guidance on how to effectively analyze specific local contexts, power dynamics, and institutional landscapes to inform strategies for designing agreements and

implementing them in ways that truly go beyond schematic plans. The theory also emphasizes the need for flexibility and adaptation during implementation ("negotiating implementation"), but practitioners also require a degree of predictability and stability to build trust and coordinate actions. Finding this balance is complex and difficult.

Contemporary relevance and debates

Despite criticisms, Bell's framework remains highly relevant for understanding and addressing contemporary challenges in the peace process . Its focus on agreements as processes rather than end points, and on "implementation agreements" is crucial for the analysis of stalled or "frozen" peace processes (e.g. Cyprus, Israel-Palestine, Western Sahara). It helps to explain how agreements can remain politically relevant reference points even without full implementation, shaping discourse and limiting options (Aggestam & Björkdahl, 2019).The theory provides essential tools for understanding peace agreement erosion and democratic regression (e.g., South Sudan after 2011, Mali after 2012, Afghanistan after 2021). It illuminates how elites deliberately undermine, re-examine, or ignore agreement provisions, exploiting ambiguities or weakening implementation mechanisms (Call, 2012; Jarstad & Belloni, 2012).How do digital technologies affect the negotiation process (e.g., digital feedback channels, encrypted communication), the dissemination and public understanding of treaty texts, the monitoring of compliance with implementation, and the mobilization of domestic and transnational publics? Bell's framework of process and evolutionary law needs to be adapted to this new context (Bell, 2021; Levinger, 2020).As resource scarcity and climate impacts increasingly exacerbate or fuel conflicts, how can peace agreements better integrate environmental governance, equitable resource distribution, climate adaptation strategies, and disaster resilience as core constitutional issues? Bell's focus on restructuring state-society relations and ground rules is crucial here (Krampe et al., 2021; Matthew, 2014). The changing international order (the rise of non-Western powers like China, challenges to liberal norms, fragmentation among traditional mediators) is influencing mediation styles, the content of agreements, and the nature of new lex pacificatoria. Bell's transnational lens is essential for analyzing these changes and the potential emergence of alternative models for peace (Hellmüller & Zahar, 2021; Wanis-St. John, 2019).

Conclusion

Christine Bell's theory of peace treaties represents a major contribution to the fields of conflict resolution and peacebuilding. By fundamentally reconceptualizing treaties as dynamic, constitutive, constitutional processes that generate a unique hybrid legal order (lex pacificatoria), she has provided an

unparalleled analytical framework. Her work has shattered simplistic views, revealing the deep entanglement of law and politics in transitions, highlighting the critical importance of the implementation phase, illuminating the tension between elite treaties and legitimate institutions, and offering a powerful critique of standardized liberal models of peace. Her impact on scholarship has been profound, encouraging multilevel analysis, process-oriented evaluation, and critical engagement with the role of law. In practice, she has led to greater sophistication in treaty design, elevated implementation planning, provided a conceptual basis for demands for inclusiveness, and fostered contextual sensitivity.

However, the theory cannot be a panacea for all problems. Its limitations are significant and reflect the broader challenges in the field. The inherent state-centrism risks marginalizing non-state aspects and transnational conflicts. The focus on elite agreements can obscure the need for social inclusion and persistent local conflicts. The descriptive power of the lex pacificatoria addresses normative dilemmas regarding legitimacy and justice. Phased constitutionalism often stumbles before entrenched interests. Gender dynamics, although addressed in Bell's later work, require deeper integration into the basic framework. Most importantly, the complexity of the theory can be a serious challenge to operationalize.

However, these criticisms do not diminish the fundamental value of the theory; they illuminate essential avenues for refinement, contextual application, and dialogue with other perspectives, particularly those that emphasize hybridity, local agency, and gender. Bell's work asks us to engage with peace agreements in all their chaotic, contradictory, and transformative complexity. It forces us to look beyond the signing ceremony, to understand the agreement as a living process constantly reshaped by power, law, contestation, and unforeseen events. It reminds us that peace is not a destination achieved by a document, but a fragile, negotiated, and ongoing constitutional project that requires constant vigilance and adjustment.

As new challenges emerge—from digital mediation and climate conflict to the shifting dynamics of global power—Bell's architectonics of consent provides the essential, albeit evolving, blueprints and critical lens needed to navigate the ever-complex and contested construction site of sustainable peace. Her work remains a necessary compass, one that requires not blind adherence but continuous critical engagement and creative adaptation.

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